



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,052	03/31/2004	David Benjamin Aucrbach	24207-10107	5716

62296 7590 11/23/2007
GOOGLE / FENWICK
SILICON VALLEY CENTER
801 CALIFORNIA ST.
MOUNTAIN VIEW, CA 94041

EXAMINER

HICKS, MICHAEL J

ART UNIT	PAPER NUMBER
----------	--------------

2165

MAIL DATE	DELIVERY MODE
-----------	---------------

11/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/814,052	Applicant(s) AUERBACH ET AL.	
	Examiner Michael J. Hicks	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-5, 8-47, 49-51 and 54-72 is/are pending in the application.
- 4a) Of the above claim(s) 26-46 and 62-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 8-25, 47, 49-51, and 54-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2165

DETAILED ACTION

1. Claims 1, 3-5, 8-25, 47, 49-51, and 54-61 pending.

Claims 2, 6-7, 48, and 52-53 canceled.

Claims 26-46 and 62-72 withdrawn.

Response to Arguments

2. Applicant's arguments, see RCE, filed 7/30/2007, with respect to the rejection(s) of claim(s) 1, 3-5, 8-47, 49-51, and 54-72 under USC 102 and USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of the new art of Mathur et al. (U.S. Patent Number 6,581,072 and referred to hereinafter as Mathur) which shall replace the art of Mathur in rejections made with respect to limitations concerning the user action history.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2165

2. Claims 1, 3-5, 8, 11, 16-24, 47, 49-51, 54, and 57 rejected under 35 U.S.C.

103(a) as being unpatentable over Tripp et al. (U.S. Patent Number 6,976,053 and referred to hereinafter as Tripp) in view of Mathur.

As per Claims 1 and 47, Tripp discloses a method comprising: generating a user context-dependent search query (i.e. *"At present, a typical user will use the "Find" utility within Windows to search for information on his personal computer or desktop, and a browser to search the internet. As local storage for personal computers increases, the Find utility takes too long to retrieve the desired information, and then a separate browser must be used to perform Internet searches. The AltaVista.RTM. program is named AltaVista.RTM. Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine."* The preceding text excerpt clearly indicates that because the user input the query, the query is user context-dependant.) (Column 3, Lines 21-38); identifying an aspect associated with an article (i.e. *"At present, a typical user will use the "Find" utility within Windows to search for information on his personal computer or desktop, and a browser to search the internet. As local storage for personal computers increases, the Find utility takes too long to retrieve the desired information, and then a separate browser must be used to perform Internet searches. The AltaVista.RTM. program is named AltaVista.RTM. Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine."* The preceding text excerpt clearly indicates that before the search is performed, an aspect associated with an article (e.g. file) must be indicated. Note that an aspect may be any information associate with the file, and that the invention, as claimed, does not indicate any automation or computer involvement in identifying the aspect, thus a user searching for known files on the users computer meets the limitation.)

Art Unit: 2165

(Column 3, Lines 21-38); generating an insert based, at least in part, on the aspect, wherein the insert comprises a search result (i.e. *"Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine."* The preceding text excerpt clearly indicates that searching is provided, e.g. an insert in the form of a search result is created.) (Column 3, Lines 32-38) associated with the aspect and generated responsive, at least in part, to searching an article index using the user-context dependant search query (i.e. *"Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM search engine."* The preceding text excerpt along with the above disclosure clearly indicates that generating the insert (e.g. search result) associated with the aspect comprises searching an article/file index using the previously generated user-context dependant search query.) (Column 3, Lines 32-38)..

Tripp fails to disclose causing the insert to be output in association with the aspect and the user context-dependent search query is based, at least in part, on a user action history comprising a plurality of user actions.

Mathur discloses causing the insert to be output in association with the aspect (i.e. *"Some search engines also perform searches implicitly without receiving specific user input based on the contents of documents (e.g., web pages) viewed by the user. These search engines use the contents of the document being browsed/viewed by the user as a search query which is communicated from the user computer to the search engine server. Based on the contents of the document being viewed by the user and based upon index information used by the search engine, the search engine identifies documents of interest to the user. Information related to the documents identified by the search engine is then communicated to the user system. The information may then be presented to the*

Art Unit: 2165

user via a pop-up screen which appears on an output device of the user's computer system. For example, in a Web environment, a window may appear on the user's display device listing URLs corresponding to documents identified by the search engine to be of interest to the user based on the contents of the documents presently viewed by the user. " The preceding text excerpt clearly indicates that the insert (e.g. search result) is displayed in relation to the aspect of the article which it pertains to (e.g. the keywords used to form the implicit query).) (Page 1) and the user context-dependent search query is based, at least in part, on a user action history comprising a plurality of user actions associated with a plurality of articles (i.e. *" Some search engines also perform searches implicitly without receiving specific user input based on the contents of documents (e.g., web pages) viewed by the user. These search engines use the contents of the document being browsed/viewed by the user as a search query which is communicated from the user computer to the search engine server. Based on the contents of the document being viewed by the user and based upon index information used by the search engine, the search engine identifies documents of interest to the user. Information related to the documents identified by the search engine is then communicated to the user system. The information may then be presented to the user via a pop-up screen which appears on an output device of the user's computer system. For example, in a Web environment, a window may appear on the user's display device listing URLs corresponding to documents identified by the search engine to be of interest to the user based on the contents of the documents presently viewed by the user. "* The preceding text excerpt clearly indicates that the user context-dependant search query will be based on a uer action history based on user interactions with a plurality of browsed documents.) (Page 1).

It would have been obvious to one skilled in the art to modify the teachings of Tripp with the teachings of Mathur to include causing the insert to be output in association with the aspect and causing the insert to be output in association with the aspect comprises causing the display of at least part of the insert in a window separate

Art Unit: 2165

from the article with the motivation of identifying and accessing documents of interest to the user (Mathur, Abstract).

As per Claims 3 and 49, Tripp discloses the article index comprises an index of articles available on the World Wide Web (i.e. *"Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine."* The preceding text excerpt clearly indicates that file index may include files/article available on the world wide web.) (Column 3, Lines 32-38).

As per Claims 4 and 50, Tripp discloses the article index comprises a local article index (i.e. *"Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine."* The preceding text excerpt clearly indicates that the article/file index may be an index of local articles/files.) (Column 3, Lines 32-38).

As per Claims 5 and 51, Tripp discloses the local article index comprises a messaging index (i.e. *"The indexer handles different data types including Office'97 documents, various types of e-mail messages such as Eudora, Netscape, text and PDF files, and various mail and document formats."* The preceding text excerpt clearly indicates the article index may include email messages (e.g. a messaging index).) (Column 3, Lines 49-53).

As per Claims 8 and 54, Tripp fails to disclose the search result comprises at least one of an article identifier, a thumbnail, a text snippet, a Uniform Resource Locator, and a path

Mathur discloses the search result comprises at least one of an article identifier, a thumbnail, a text snippet, a Uniform Resource Locator, and a path (i.e. " *Some search engines also perform searches implicitly without receiving specific user input based on the contents of documents (e.g., web pages) viewed by the user. These search engines use the contents of the document being browsed/viewed by the user as a search query which is communicated from the user computer to the search engine server. Based on the contents of the document being viewed by the user and based upon index information used by the search engine, the search engine identifies documents of interest to the user. Information related to the documents identified by the search engine is then communicated to the user system. The information may then be presented to the user via a pop-up screen which appears on an output device of the user's computer system. For example, in a Web environment, a window may appear on the user's display device listing URLs corresponding to documents identified by the search engine to be of interest to the user based on the contents of the documents presently viewed by the user.*" The preceding text excerpt clearly indicates that the search result may comprise a text snippet, URL, or path (e.g. link).) (Page 1).

It would have been obvious to one skilled in the art to modify the teachings of Tripp with the teachings of Mathur to include causing the insert to be output in association with the aspect comprises causing the display of at least part of the insert in a window separate from the article with the motivation of identifying and accessing documents of interest to the user (Mathur, Abstract).

As per Claims 11 and 57, Tripp Fails to disclose causing the insert to be output in association with the aspect comprises causing the display of at least part of the insert in a window separate from the article.

Mathur discloses causing the insert to be output in association with the aspect comprises causing the display of at least part of the insert in a window separate from the article (i.e. " *Some search engines also perform searches implicitly without receiving specific user input based on the contents of documents (e.g., web pages) viewed by the user. These search engines use the contents of the document being browsed/viewed by the user as a search query which is communicated from the user computer to the search engine server. Based on the contents of the document being viewed by the user and based upon index information used by the search engine, the search engine identifies documents of interest to the user. Information related to the documents identified by the search engine is then communicated to the user system. The information may then be presented to the user via a pop-up screen which appears on an output device of the user's computer system. For example, in a Web environment, a window may appear on the user's display device listing URLs corresponding to documents identified by the search engine to be of interest to the user based on the contents of the documents presently viewed by the user.*" The preceding text excerpt clearly indicates that the search result appears in a browser window separate from the article.) (Page 1).

It would have been obvious to one skilled in the art to modify the teachings of Tripp with the teachings of Mathur to include causing the insert to be output in association with the aspect comprises causing the display of at least part of the insert in a window separate from the article with the motivation of identifying and accessing documents of interest to the user (Mathur, Abstract).

As per Claims 16 and 37, Tripp discloses the aspect comprises a hyperlink (i.e. "At present, a typical user will use the "Find" utility within Windows to search for information on his personal computer or desktop, and a browser to search the internet. As local storage for personal computers increases, the Find utility takes too long to retrieve the desired information, and then a separate browser must be used to perform Internet searches. The AltaVista.RTM. program is named AltaVista.RTM. Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine." The preceding text excerpt clearly indicates that, because the user can search for any aspect of a document/file/article they wish, a hyperlink in a document may comprise the identified aspect.) (Column 3, Lines 21-38).

As per Claims 17 and 38, Tripp discloses the aspect comprises a title (i.e. "At present, a typical user will use the "Find" utility within Windows to search for information on his personal computer or desktop, and a browser to search the internet. As local storage for personal computers increases, the Find utility takes too long to retrieve the desired information, and then a separate browser must be used to perform Internet searches. The AltaVista.RTM. program is named AltaVista.RTM. Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine." The preceding text excerpt clearly indicates that, because the user can search for any aspect of a document/file/article they wish, a title of/in a document may comprise the identified aspect.) (Column 3, Lines 21-38).

As per Claims 18 and 39, Tripp discloses the aspect comprises an image (i.e. "At present, a typical user will use the "Find" utility within Windows to search for information on his personal computer or desktop, and a browser to search the internet. As local storage for personal computers

Art Unit: 2165

increases, the Find utility takes too long to retrieve the desired information, and then a separate browser must be used to perform Internet searches. The AltaVista.RTM. program is named AltaVista.RTM. Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine." The preceding text excerpt clearly indicates that, because the user can search for any aspect of a document/file/article they wish, an image in a document may comprise the identified aspect.) (Column 3, Lines 21-38).

As per Claims 19 and 40, Tripp discloses the aspect comprises a menu item (i.e. *"At present, a typical user will use the "Find" utility within Windows to search for information on his personal computer or desktop, and a browser to search the internet. As local storage for personal computers increases, the Find utility takes too long to retrieve the desired information, and then a separate browser must be used to perform Internet searches. The AltaVista.RTM. program is named AltaVista.RTM. Discovery, and generates a local index of files on a user's personal computer much like the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine."* The preceding text excerpt clearly indicates that, because the user can search for any aspect of a document/file/article they wish, a menu item in a document may comprise the identified aspect.) (Column 3, Lines 21-38).

As per Claims 20 and 41, Tripp discloses the aspect comprises an input field (i.e. *"At present, a typical user will use the "Find" utility within Windows to search for information on his personal computer or desktop, and a browser to search the internet. As local storage for personal computers increases, the Find utility takes too long to retrieve the desired information, and then a separate browser must be used to perform Internet searches. The AltaVista.RTM. program is named AltaVista.RTM. Discovery, and generates a local index of files on a user's personal computer much like*

Art Unit: 2165

the central index. The program then provides integrated searching of the local index along with conventional Internet searches using the central index of the AltaVista.RTM. search engine." The preceding text excerpt clearly indicates that, because the user can search for any aspect of a document/file/article they wish, an input field in a document may comprise the identified aspect.) (Column 3, Lines 21-38).

As per Claims 21 and 42, Tripp discloses the article comprises a web page (i.e. *"The indexer handles different data types including Office'97 documents, various types of e-mail messages such as Eudora, Netscape, text and PDF files, and various mail and document formats."* The preceding text excerpt clearly indicates the article may comprise a HTML document/web page/Netscape file.) (Column 3, Lines 49-53).

As per Claims 22 and 43, Tripp discloses the article comprises a text document (i.e. *"The indexer handles different data types including Office'97 documents, various types of e-mail messages such as Eudora, Netscape, text and PDF files, and various mail and document formats."* The preceding text excerpt clearly indicates the article may comprise a text/Office document.) (Column 3, Lines 49-53).

As per Claims 23 and 44, Tripp discloses the article comprises an email message (i.e. *"The indexer handles different data types including Office'97 documents, various types of e-mail messages such as Eudora, Netscape, text and PDF files, and various mail and document formats."* The preceding text excerpt clearly indicates the article may comprise an email message/Eudora file.) (Column 3, Lines 49-53).

As per Claims 24 and 45, Tripp discloses the article comprises an instant messenger message (i.e. *"The indexer handles different data types including Office'97 documents, various types of e-mail messages such as Eudora, Netscape, text and PDF files, and various mail and document formats."* The preceding text excerpt clearly indicates the article may comprise an instant messenger message (e.g. the instant messenger message could be in the form of a chat log (e.g. text document) or in the form of an email message.) (Column 3, Lines 49-53).

3. Claims 9-10 and 55-56 rejected under 35 U.S.C. 103(a) as being unpatentable over Tripp in view Mathur and further in view of Musgrove (U.S. Pre-Grant Publication Number 2005/0065909 and referred to hereinafter as Musgrove).

As per Claims 9 and 55, the Tripp-Mathur invention as described above in relation to Claim 1 fails to disclose causing the insert to be output in association with the aspect comprises placing at least part of the insert into the article.

Musgrove discloses causing the insert to be output in association with the aspect comprises placing at least part of the insert into the article (i.e. *"The re-sorted list of products is provided to the display module 28 that sends the results to the client 40 for display as advertisements or links, or in other format as being products that the user may want to consider."* The preceding text excerpt clearly indicates that the insert (e.g. query result) may be inserted into the article as a link or advertisement.) (Page 9, Paragraph 62).

It would have been obvious to one skilled in the art to modify the teachings of Tripp with the teachings of Musgrove to include causing the insert to be output in association with the aspect comprises placing at least part of the insert into the article

Art Unit: 2165

with the motivation of associating inserts (e.g. search query results) with articles (e.g. documents) based on the context of the document (Musgrove, Abstract).

As per Claims 10 and 56, the Tripp-Mathur invention as described above in relation to Claim 1 fails to disclose causing the insert to be output in association with the aspect comprises causing the display of at least part of the insert in a transient display proximate to the aspect.

Musgrove discloses causing the insert to be output in association with the aspect comprises causing the display of at least part of the insert in a transient display proximate to the aspect (i.e. *"The re-sorted list of products is provided to the display module 28 that sends the results to the client 40 for display as advertisements or links, or in other format as being products that the user may want to consider."* The preceding text excerpt clearly indicates that the insert (e.g. query result) may be displayed in the article as an advertisement proximate to the aspect. Note that it is common for advertisements to be cycled/reloaded on web pages, qualifying an advertisement as transient.) (Page 9, Paragraph 62).

It would have been obvious to one skilled in the art to modify the teachings of Tripp with the teachings of Musgrove to include causing the insert to be output in association with the aspect comprises causing the display of at least part of the insert in a transient display proximate to the aspect with the motivation of associating inserts (e.g. search query results) with articles (e.g. documents) based on the context of the document (Musgrove, Abstract).

4. Claims 12-15 and 58-61 rejected under 35 U.S.C. 103(a) as being unpatentable over Tripp in view of Mathur, as above, and in further view of Phelps ("All you can seek", Special Services, July 1999, Vol.7, Iss. 7, accessed on the web on 10/16/2006 at <http://www.smartcomputing.com/editorial/article.asp?article=articles/archive/g0707/26g07/26g07.asp>)..

As per Claims 12 and 58, Tripp-Mathur fails to disclose at least one of identifying the aspect, generating the insert, and causing the insert to be output in association with the aspect is based, at least in part, on a user preference.

Mathur discloses at least one of identifying the aspect, generating the insert, and causing the insert to be output in association with the aspect is based, at least in part, on a user preference (i.e. *"Discovery is a fully customizable program, so take some time to look through all of the different options. Once the program is fine-tuned to fit your needs, its powerful search features can save you all the time and clicks you would use to rake over your drives for some lost file. That's the kind of bargain we like the best."* The preceding text excerpt clearly indicates that generating the insert (e.g. producing the search result) is based on user preferences in the form of search preferences.) (Page 5, Paragraph 8, Page 6, Paragraph 1).

It would have been obvious to one skilled in the art to modify the teachings of Tripp-Mathur with the teachings of Phelps to include at least one of identifying the aspect, generating the insert, and causing the insert to be output in association with the aspect is based, at least in part, on a user preference with the motivation that both Tripp and Phelps are describing the functionalities of the same product.

As per Claims 13 and 59, Tripp-Mathur Fails to disclose receiving the user preference.

Phelps discloses receiving the user preference (i.e. *"Discovery is a fully customizable program, so take some time to look through all of the different options. Once the program is fine-tuned to fit your needs, its powerful search features can save you all the time and clicks you would use to rake over your drives for some lost file. That's the kind of bargain we like the best."* The preceding text excerpt clearly indicates that the user may input the preferences (e.g. the preferences will be received).) (Page 5, Paragraph 8, Page 6, Paragraph 1).

It would have been obvious to one skilled in the art to modify the teachings of Tripp-Mathur with the teachings of Phelps to include receiving the user preference with the motivation that both Tripp and Phelps are describing the functionalities of the same product.

As per Claims 14 and 60, Tripp-Mathur Fails to disclose determining the user preference based, at least in part, on a user action history comprising a plurality of user actions.

Phelps discloses determining the user preference based, at least in part, on a user action history comprising a plurality of user actions (i.e. *"Discovery is a fully customizable program, so take some time to look through all of the different options. Once the program is fine-tuned to fit your needs, its powerful search features can save you all the time and clicks you would use to rake over your drives for some lost file. That's the kind of bargain we like the best."* The preceding text excerpt clearly indicates that the user preferences are based on a user action history comprising a plurality of user actions (e.g. the user setting the preferences).) (Page 5, Paragraph 8, Page 6, Paragraph 1).

It would have been obvious to one skilled in the art to modify the teachings of Tripp-Mathur with the teachings of Phelps to include determining the user preference based, at least in part, on a user action history comprising a plurality of user actions with the motivation that both Tripp and Phelps are describing the functionalities of the same product.

As per Claims 15 and 61, Tripp-Mathur fails to disclose determining the user preference based, at least in part, on a system analysis.

Phelps discloses determining the user preference based, at least in part, on a system analysis (i.e. *"Discovery is a fully customizable program, so take some time to look through all of the different options. Once the program is fine-tuned to fit your needs, its powerful search features can save you all the time and clicks you would use to rake over your drives for some lost file. That's the kind of bargain we like the best."* The preceding text excerpt clearly indicates that after the user preferences have been set, the preferences will be determined for searching purposes by scanning the system to identify which user preferences the user has selected.) (Page 5, Paragraph 8, Page 6, Paragraph 1).

It would have been obvious to one skilled in the art to modify the teachings of Tripp-Mathur with the teachings of Phelps to include determining the user preference based, at least in part, on a system analysis with the motivation that both Tripp and Phelps are describing the functionalities of the same product.

5. Claim 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Musgrove et al. in view of Mathur.

As per Claim 25, Musgrove discloses a method comprising: identifying an aspect associated with an article (i.e. *"...determining word scores of the words in the document based on the frequency of the words in the document, adjusting the word scores of the words by predetermined weightings corresponding to the use of each word in the document, constructing a keyword query search string using words having the highest word scores..."* The preceding text excerpt clearly indicates that an aspect associated with an article (e.g. keywords in a web page) are identified.) (Page 2, Paragraph 16); automatically searching a local article index with a user context-dependent search query for a search result associated with the aspect (i.e. *"...searching the product records of the products database to identify products satisfying the keyword query search string, assigning product scores to the identified products based on matches to the keyword query search string, parsing the product records to identify word matches in each of the product records and the document, updating the product score by processing the adjusted word scores corresponding to the matched word with the product score of the product for which word matched, and selecting products from the identified products that have the highest updated product scores..."* The preceding text excerpt clearly indicates that a local article index (e.g. product database) is automatically searched with the a query associated with the aspect. Note that as the user requested the search be done (paragraph 26), the query is user context-dependant.) (Page 2, Paragraph 16); automatically generating an insert comprising the search result (i.e. *"...searching the product records of the products database to identify products satisfying the keyword query search string, assigning product scores to the identified products based on matches to the keyword query search string, parsing the product records to identify word matches in each of the product records and the document, updating the product score by processing the adjusted word scores corresponding to the matched word with the product score of the product for which word matched, and selecting products from the identified products that have the highest updated product scores..."* The preceding text excerpt clearly indicates that a search result (e.g. insert) is automatically generated.) (Page 2, Paragraph 16); placing the insert into the article such that the insert will be

Art Unit: 2165

displayed near the aspect when the article is displayed (i.e. *"The re-sorted list of products is provided to the display module 28 that sends the results to the client 40 for display as advertisements or links, or in other format as being products that the user may want to consider."* The preceding text excerpt clearly indicates that the insert (e.g. query result) may be inserted into the article as a link or advertisement.) (Page 9, Paragraph 62); and causing the article to be displayed (i.e. *"The re-sorted list of products is provided to the display module 28 that sends the results to the client 40 for display as advertisements or links, or in other format as being products that the user may want to consider."* The preceding text excerpt clearly indicates that the article (e.g. web page) may be displayed.) (Page 9, Paragraph 62).

Musgrove fails to disclose the user context dependent search query is based, at least in part, on a user action history comprising a plurality of user actions performed on a plurality of articles.

Mathur discloses the user context dependent search query is based, at least in part, on a user action history comprising a plurality of user actions performed on a plurality of articles (i.e. *"Some search engines also perform searches implicitly without receiving specific user input based on the contents of documents (e.g., web pages) viewed by the user. These search engines use the contents of the document being browsed/viewed by the user as a search query which is communicated from the user computer to the search engine server. Based on the contents of the document being viewed by the user and based upon index information used by the search engine, the search engine identifies documents of interest to the user. Information related to the documents identified by the search engine is then communicated to the user system. The information may then be presented to the user via a pop-up screen which appears on an output device of the user's computer system. For example, in a Web environment, a window may appear on the user's display device listing URLs corresponding to documents identified by the search engine to be of interest to the user based on the contents of the documents presently viewed by the user."* The preceding text excerpt clearly indicates that

Art Unit: 2165

the user context dependent search query (e.g. implicit query) is based on a user action history comprising a plurality of user action performed on a plurality of document (e.g. the history of user interaction within searched documents).) (Page 1).

It would have been obvious to one skilled in the art at the time of Applicants invention to modify the teachings of Musgrove with the teachings of Mathur to include the user context dependent search query is based, at least in part, on a user action history comprising a plurality of user actions performed on a plurality of articles with the motivation of identifying and accessing documents of interest to the user (Mathur, Abstract).

Continued Examination Under 37 CFR 1.114

6. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/30/2007 has been entered.

Points of Contact


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Hicks whose telephone number is (571) 272-2670. The examiner can normally be reached on Monday - Friday 8:30a - 5:00p.

Art Unit: 2165

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael J Hicks
Art Unit 2165
Phone: (571) 272-2670
Fax: (571) 273-2670


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100